

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUANE C. SHOOTS, JR.,

Defendant.

CR-21-65-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 16, 2025. (Doc. 60.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 16, 2025 (Doc. 59.)

The United States accused Duane C. Shoots (Shoots) of violating the conditions of

his supervised by: (1) failing to comply with alcohol testing for a period of 90 days, using a remote alcohol test as directed by his probation officer; and by (2) failing to participate in substance abuse testing. (Doc. 51.)

At the revocation hearing, Shoots admitted that he had violated the conditions of supervised release as set forth in allegations 1-2 of the Petition. (Doc. 59.)

Judge Johnston found that violations Shoots admitted prove serious and warrants revocation of his supervised release and recommends a term of custody of time served, with 22 months of supervised release to follow with the first 180 days of supervised release, Shoots should be placed at Gyst House. Judge Johnston recommended Shoots be released on July 16, 2025 at 6:00 p.m. (Doc. 60.) The Court advised Shoots of his right to appeal and to allocute before the undersigned and he waived those rights. (Doc. 59.)

The violations prove serious and warrant revocation of Shoots's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Duane C. Shoots, Jr. be sentenced to time served, with 22

months of supervised release to follow with the first 180 days of supervised release spent at Gyst House. Shoots will be released on July 16, 2025 at 6:00 p.m.

DATED this 16th day of July 2025.



Brian Morris, Chief District Judge
United States District Courts